

UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: SOROTZKIN, Michael :

Application No.: 09/894,966 :

Filed: June 28, 2001 :

Title of Invention: *System and method for confirming specification of intended electronic mail message recipients*Kalow & Springut LLP
488 Madison Avenue, 19th floor
New York, NY 10022

September 14, 2009

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**DECLARATION OF MICHOEL SOROTZKIN**

1. I am the sole named inventor of the above-referenced patent application, and I own all rights to that patent application. I am a resident of Israel.
2. I have first hand knowledge of the events described herein.
3. On June 28, 2001, attorney Erik B. Cherdak, Esq. filed the above-referenced patent application on my behalf. This patent application is the only United States patent application that I have ever caused to be filed. At all times, I retained the sole right to direct action in this matter.
4. As an Israeli resident, I asked Mr. Cherdak to send all correspondence to my U.S. attorney for matters not related to patents, Fred P. Schwartz, who forwarded those correspondences to me.
5. From a review of the Patent Office's files, at the time that Mr. Cherdak filed the application, he established a correspondence address of:

Erik B Cherdak & Associates, LLC
11300 Rockville Pike, Suite 906
Rockville, Maryland 20852.

Attached hereto as Sorotzkin Exhibit A is a letter entitled "Utility Patent Application Transmittal" in which this address is recited.

6. A number of times after the application was filed, Mr. Cherdak and I discussed that this patent application was important to a business venture of mine. From our correspondence and conversations, he was made aware that at all times, I intended to pursue and to obtain patent rights for my invention.
7. I never received either a copy of the Notice of Allowance (or Corrected Notice of Allowance) or a Notice of Abandonment from Mr. Cherdak, from any law firm with which he was affiliated, or from anyone else.
8. On or about March 23, 2004, I learned that Mr. Cherdak had moved to the law firm of Arent Fox. Attached hereto as Sorotzkin Exhibit B is a communication by which I learned this fact.
9. From a review of the Patent Office's files, it appears that on February 1, 2005, Mr. Cherdak filed a document entitled: "Status Inquiry and Change of Address," which listed his new address as:

Erik B Cherdak
Arent Fox
1050 Connecticut Avenue, Suite 400
Washington, D.C. 20036.

Attached hereto as Sorotzkin Exhibit C is the document entitled "Status Inquiry and Change of Address."

10. From a review of the Patent Office's files, it appears that on June 7, 2005, a document entitled Notice of Allowance and Fees(s) Due was mailed to:

Erik B Cherdak & Associates, LLC
Suite 906
11300 Rockville Pike
Rockville, MD 20852.

Attached hereto as Sorotzkin Exhibit D is a copy of the document entitled "Notice of Allowance and Fee(s) Due."

11. From a review of the Patent Office files, it appears that on June 12, 2005, the June 7, 2005 Notice of Allowance was returned as non-deliverable. Attached hereto as Sorotzkin Exhibit E is a copy of an envelope from the Patent Office files that is stamped "Received Jun 13 2005."
12. From a review of the Patent Office files, it appears that on December 9, 2005, the Patent Office mailed a document entitled "Corrected Notice of Allowance and Fee(s) Due" to

Erik B. Cherdak
Arent Fox
1050 Connecticut Avenue
Suite 400
Washington, DC 20036.

Attached hereto as Sorotzkin Exhibit F is a copy of the document entitled "Corrected Notice of Allowance and Fee(s) Due."

13. From a review of the Patent Office Files, it appears that on May 4, 2006 the Patent Office mailed a Notice of Abandonment to Mr. Cherdak at Arent Fox. Attached hereto as Sorotzkin Exhibit G is a copy of the Notice of Abandonment.
14. Neither Mr. Cherdak nor anyone else as Arent Fox or elsewhere informed me of receipt of the "Corrected Notice of Allowance," and I was not aware that prior to the issuance of a United States patent a Notice of Allowance would be received. I was also not aware that any issue fee

would need to be paid prior to issuance of a United States patent. Furthermore, no one at Arent Fox or anywhere else notified me that a Notice of Abandonment had been received. By 2005, I was under the impression, which I now know is incorrect, that my patent had been granted. I mistakenly thought that the publication of my application afforded me patent rights.

15. On April 28, 2006, Mr. Cherdak sent a letter to Mr. Schwartz advising us that an annuity was due for the related European Patent Application. The letterhead on this letter indicates that Mr. Cherdak was, at that time, at the law firm of Duane Morris LLP, 1667 K Street, N.W., Suite 700, Washington, D.C. 20006-1608. Attached hereto as Sorotzkin Exhibit H is a copy of the April 28, 2006 letter.
16. As of April 28, 2006 when Mr. Cherdak sent the letter of Exhibit G, I continued to believe that my rights in my United States patent had been perfected. I did not have any contact with Mr. Cherdak between 2004 and 2006.
17. In February 2009, there came an opportunity for me to license my technology, which I believed was protected by a patent. While pursuing this opportunity, from a business contact I learned for the first time that the United States patent application has become abandoned and that no United States patent has ever issued.
18. I immediately tried to contact Mr. Cherdak in order to learn how this had happened, but I was unable to locate him.
19. I retained new patent counsel, who reached out to the law firms of Arent Fox and Duane Morris in order to determine whether they have any record of receiving the Corrected Notice of Allowance or the Notice of Abandonment.

20. On April 6, 2009, Arent Fox responded via e-mail that their file was transferred to Mr. Cherdak on October 3, 2005 at the law firm of Duane Morris and that Arent Fox currently has no files related to this matter. Attached hereto as Sorotzkin Exhibit I is a copy of the April 6, 2009 e-mail.
21. On April 1, 2009, the law firm of Duane Morris wrote that they have no records pertaining to my patent application. Attached as Sorotzkin Exhibit J is a copy of the April 1, 2009 letter.
22. On my behalf, the United States Patent Office website was checked to determine where Mr. Cherdak is currently practicing. The website states that he is affiliated with Burns & Levinson, LLP, in Washington, D.C. Attached hereto as Sorotzkin Exhibit K is a copy of a printout from the United States Patent Office website indicating the current location of Mr. Cherdak.
23. On April 13, 2009, the law firm of Burns & Levinson LLP wrote that they have no record of the case in their docketing system and that they have no files for my case. They also provided their last known address for Mr. Cherdak as:

149 Thurgood Street
North Potomac MD 20878.

- Attached hereto as Sorotzkin Exhibit L is a copy of the April 13, 2009 letter.
24. On April 22, 2009, my current patent attorneys sent a letter to Mr. Cherdak at the address provided by Burns & Levinson LLP. Attached hereto as Sorotzkin Exhibit M is a copy of the April 22, 2009 letter.
25. I have been informed by my current patent attorneys that they have received no response from Mr. Cherdak.

Applicants: Sorotzkin, Michael
Application Serial No.: 08/894,966
Petition to Reconsider Late Payment of Issue Fee
Page 6 of 6

26. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on September 18, 2009
Kiryat Yearim, Israel

By: _____

Michael Sorotzkin

06/28/01

06-29-01

A
10/82/90
09/89/96
Jc9612 U.S. PTO

Patent
Attorney's Docket No. 071.0001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

UTILITY PATENT
APPLICATION TRANSMITTAL LETTER

BOX PATENT APPLICATION
Assistant Commissioner for Patents
Washington, D.C. 20231

Enclosed for filing is the utility patent application of Michael SOROTZKIN for SYSTEM AND METHOD FOR CONFIRMING SPECIFICATION OF INTENDED ELECTRONIC MAIL MESSAGE RECIPIENTS.

Also enclosed are:

- ☒ 14 pages of Specification (not including title page);
- ☒ 5 pages of Claims;
- ☒ 1 page of Abstract;
- ☒ 7 sheet(s) of [] formal ☒ informal drawing(s);
- [] an Assignment document;

The unexecuted declaration of the inventor(s) ☒ also is enclosed [] will follow.

The filing fee has been calculated as follows [] and in accordance with the enclosed preliminary amendment:

CLAIMS				
	NO. OF CLAIMS		EXTRA CLAIMS	RATE FEE
Basic Application Fee				\$710.00
Total Claims	20	MINUS 20 =	0	x \$18.00 0.00
Independent Claims	3	MINUS 3 =	0	x \$78.00 \$ 0.00
If multiple dependent claims are presented, add \$260.00				0.00
Total Application Fee				\$710.00
If verified Statement claims small entity status is enclosed, subtract 50% of Total Application Fee				\$355.00
Add Assignment Recording Fee of \$40.00 if Assignment document is enclosed				0.00
TOTAL APPLICATION FEE DUE				\$355.00

09894956-062001

Patent
Attorney's Docket No. 071.0001

[] A check in the amount of \$ _____ is enclosed for the fee due.

Please Address all correspondence concerning the present application to:

Erik B. Cherdak & Associates, LLC
11300 Rockville Pike, Suite 906
Rockville, Maryland 20852

Respectfully submitted,

ERIK B. CHERDAK & ASSOCIATES, LLC

Date:

6/28/2001

By:

Erik B. Cherdak
Reg. No. 39,936

11300 Rockville Pike, Suite 906
Rockville, Maryland 20852
(301) 984-4700
(301) 984-7696 (fax)

00001955-062001

Lewis, Sharren

From: Locke, Scott
Sent: Wednesday, April 22, 2009 10:40 AM
To: Lewis, Sharren
Subject: FW: E-Rite

-----Original Message-----

From: Michael Sorotzkin [mailto:sterling@netmedia.net.il]
Sent: Wednesday, April 22, 2009 1:46 AM
To: Locke, Scott
Subject: FW: E-Rite

-----Original Message-----

From: Fred P Schwartz [mailto:fps@theschwartzlawfirm.com]
Sent: Wednesday, April 22, 2009 1:15 AM
To: Michael Sorotzkin
Subject: FW: E-Rite

-----Original Message-----

From: Fred P. Schwartz [mailto:cs1f@stratos.net]
Sent: Tuesday, March 23, 2004 6:31 PM
To: Michael Sorotzkin
Subject: E-Rite

Erik sent a letter that he filed for European patent protection. We have until August to notify him to file in Hong Kong. Maybe he will respond to an email. He has changed law firm and is now with Arent Fox in Washington D.C. Tel 202-857-8933; main no. 202-857-6000; email cherdak.erik@arentfox.com.

Why so quiet?

Information from ESET NOD32 Antivirus, version of virus signature database 4026 (20090421)

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

Information from ESET NOD32 Antivirus, version of virus signature database 4026 (20090421)

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Patent Application of:

Michael SOROTZKIN

Serial No. 09/894,966

Filed: June 28, 2001

Examiner: To Be Determined

Group Art Unit 2132

For: SYSTEM AND METHOD FOR CONFIRMING SPECIFICATION OF INTENDED
ELECTRONIC MAIL MESSAGE RECIPIENTS

STATUS INQUIRY AND CHANGE OF ADDRESS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date: February 1, 2005

Sir:

The undersigned attorney requests the status of the above-identified application.
Please forward all correspondence regarding this application to:

Erik B. Cherdak
Arent Fox
1050 Connecticut Avenue, Suite 400
Washington, DC 20036

In the event any fees are required with this paper, please charge Deposit
Account No. 01-2300, **referencing Docket No. 026736-00001 (071.0001).**

Respectfully submitted,

Erik B. Cherdak
Registration No. 39,936

Customer No. 004372
ARENT FOX PLLC
1050 Connecticut Avenue, N.W., Suite 400
Washington, D.C. 20036-5339
Tel: (202) 857-6000
Fax: (202) 638-4810



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1459
Alexandria, Virginia 22313-1450
www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

7590

06/07/2005

Erick B. Cherdak & Associates, LLC
Suite 906
11300 Rockville Pike
Rockville, MD 20852

EXAMINER

CHANG, JUNGWON

ART UNIT

PAPER NUMBER

2154

DATE MAILED: 06/07/2005

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,966	06/28/2001	Michael Sorotzkin	071.0001	3428

TITLE OF INVENTION: SYSTEM AND METHOD FOR CONFIRMING SPECIFICATION OF INTENDED ELECTRONIC MAIL MESSAGE RECIPIENTS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$300	\$1000	09/07/2005

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

TC2100 · · RANDOLPH

Organization _____ Bldg./Room _____

UNITED STATES PATENT AND TRADEMARK OFFICE

P.O. Box 1450

Alexandria, VA. 22313-1450

If Undeliverable Return In Ten Days

Official Business

Penalty For Private Use, \$300



UNITED STATES POSTAGE



**PENALTY FOR
PRIVATE USE \$300**

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AN EQUAL OPPORTUNITY EMPLOYER
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MAILED FROM ZIP CODE 22314

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JUN 13 2005

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DC: 2231314B050 *0217-00434-07-33

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

**CORRECTED
NOTICE OF ALLOWANCE AND FEE(S) DUE**

7590

12/09/2005

ERIK B. CHERDAK
ARENT FOX
1050 CONNECTICUT AVENUE
SUITE 400
WASHINGTON, DC 20036

EXAMINER

CHANG, JUNGWON

ART UNIT

PAPER NUMBER

2154

DATE MAILED: 12/09/2005

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,966	06/28/2001	Michael Sorotzkin	071.0001	3428

TITLE OF INVENTION: SYSTEM AND METHOD FOR CONFIRMING SPECIFICATION OF INTENDED ELECTRONIC MAIL MESSAGE RECIPIENTS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$300	\$1000	03/09/2006

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571) 273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590 12/09/2005

ERIK B. CHERDAK
ARENT FOX
1050 CONNECTICUT AVENUE
SUITE 400
WASHINGTON, DC 20036

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,966	06/28/2001	Michael Sorotzkin	071.0001	3428

TITLE OF INVENTION: SYSTEM AND METHOD FOR CONFIRMING SPECIFICATION OF INTENDED ELECTRONIC MAIL MESSAGE RECIPIENTS

APPL.N. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$300	\$1000	03/09/2006

EXAMINER	ART UNIT	CLASS-SUBCLASS
CHANG, JUNGWON	2154	709-206000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.303).

- ☐ Change of correspondence address (or Change of Correspondence Address from PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication from PTO/SB/47, Rev 02-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

- 1 _____
- 2 _____
- 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,966	06/28/2001	Michael Sorotzkin	071.0001	3428

7590

12/09/2005

ERIK B. CHERDAK
ARENT FOX
1050 CONNECTICUT AVENUE
SUITE 400
WASHINGTON, DC 20036

EXAMINER

CHANG, JUNGWON

ART UNIT

PAPER NUMBER

2154

DATE MAILED: 12/09/2005

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 728 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 728 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/894,966

06/28/2001

Michael Sorotzkin

071.0001

3428

7590

05/04/2006

ERIK B. CHERDAK
ARENT FOX
1050 CONNECTICUT AVENUE
SUITE 400
WASHINGTON, DC 20036

EXAMINER

CHANG, JUNGWON

ART UNIT

PAPER NUMBER

2154

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Abandonment

Application No.

09/894,966

Examiner

CHANG

Applicant(s)

Sorotzkin

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on ____.
- (a) ☐ A reply was received on ____ (with a Certificate of Mailing or Transmission dated ____), which is after the expiration of the period for reply (including a total extension of time of ____ month(s)) which expired on ____.
- (b) ☐ A proposed reply was received on ____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- (c) ☐ A reply was received on ____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
- (d) ☐ No reply has been received.
2. ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- (a) ☐ The issue fee and publication fee, if applicable, was received on ____ (with a Certificate of Mailing or Transmission dated ____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
- (b) ☐ The submitted fee of \$____ is insufficient. A balance of \$____ is due.
The issue fee required by 37 CFR 1.18 is \$____. The publication fee, if required by 37 CFR 1.18(d), is \$____.
- (c) ☒ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
- (a) ☐ Proposed corrected drawings were received on ____ (with a Certificate of Mailing or Transmission dated ____), which is after the expiration of the period for reply.
- (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on ____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

slk

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

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ERIK B. CHERDAK
DIRECT DIAL: 202/776.7812
E-MAIL: ebcherdak@duanemorris.com

www.duanemorris.com

April 28, 2006

Mr. Fred P. Schwartz
The Schwartz Law Firm
13967 Cedar Road, Suite 700
South Euclid, OH 44118

Re: **Annuity Renewal**
European Patent application No. 02759100.7
Applicant: Michael Sorotzkin
For: **SYSTEM AND METHOD FOR CONFIRMING SPECIFICATION OF
INTENDED ELECTRONIC MAIL MESSAGE RECIPIENTS**
Our Ref: T1929-00004

Dear Mr. Schwartz

We have received a Renewal Notice from Computer Patent Annuities regarding payment of the fifth annuity in the amount of \$887.78, having a due date of June 26, 2006. Please provide your instructions regarding payment of this annuity. A copy of this Renewal is attached for your records.

Your prompt attention to this matter is appreciated.

Very truly yours,

Erik B. Cherdak

EBC/sg
Enclosure



Computer Patent Annuitias
Limited Partnership

Please return to: Computer Patent
Annuitias North America LLC
225 Reiniers Lane
Suite 400
Alexandria VA 22314
USA

Duane Morris LLP
Attn: Patrick D McPherson
1667 K Street NW
Suite 700
Washington DC 20006
U.S.A.

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DUANE MORRIS, LLP
APR 26 2006

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Renewal Notice

Please return promptly to CPA, indicating your instructions.
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17 APR 2006

Renewal Notice Reminder 1

Account 339028 US Dollar

Page 1

Country Type	Patent Number Annuit	Renewal Date Expiry Date	Reference Proprietor Case Code	Estimated Cost	Renew?
Europe Patent	02759100.7 5	26 JUN 2006 26 JUN 2022	026736-00003 MICHAEL SOROTZKIN	US\$887.78	Yes <input type="checkbox"/> No <input type="checkbox"/> Pay Abandon Other Cha

Grand-Total:

US\$887.78

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due: 6/24/2006

Duane Morris LLP
Attn. Patrick D McPherson
1667 K Street NW
Suite 700
Washington DC 20006
U.S.A.

Account No.	339028	New/Amended cases	13 APR 2006	Page	1
Case details	Appl No. Appl. Date Grant No Grant Date	Due Annuity Expiry	Division Your Case Renewal Type	Division Name Client's Reference Proprietor	
Europe Patent 02759100.7 26 JUN 2002	02759100.7	26 JUN 2006 5 26 JUN 2022 Normal		026736-00003 MICHOEL SORDTZKIN	

RECEIVED
DUANE MORRIS, LLP
APR 26 2006

Lewis, Sharren

From: Oram, George [Oram.George@ARENTFOX.COM]
Sent: Monday, April 06, 2009 10:21 AM
To: Joseph, Joanna; Locke, Scott
Cc: Lewis, Sharren
Subject: RE: Transfer File Re US Patent Appln. No.: 09/894,966 (Your ref.: 071.0001 Our Ref.: Sorotz 0002-US)

Dear Ms. Joseph,

Thank you for your email. I have the letter from Mr. Locke in hand. Please be advised that this file was transferred on October 3, 2005 to Mr. Erik Cherdak, Duane Morris, 1667 K St.NW, Suite 700, Washington DC 2006. We no longer have any documents pertaining to this matter. The reference number given above and on your letter is not an Arent Fox number.

If you should have any questions, please let me know.

Regards,
George E. Oram, Jr.
Arent Fox LLP
1050 Connecticut Avenue NW
Washington DC 20036-5339
Phone: (202) 828-3455
Fax: (202) 857-6395
oram.george@arentfox.com

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-----Original Message-----

From: Joseph, Joanna [mailto:JJoseph@creativity-law.com]
Sent: Tuesday, March 31, 2009 4:00 PM
To: Oram, George; Locke, Scott
Cc: Lewis, Sharren
Subject: Transfer File Re US Patent Appln. No.: 09/894,966 (Your ref.: 071.0001 Our Ref.: Sorotz 0002-US)

Find attached the correspondence in reference to the above-mentioned matter.

Joanna Joseph
Docketing Manager
Kalow & Springut LLP
488 Madison Avenue, 19th Floor
New York, New York 10022
T: 212-813-1600
F: 212-813-9600
E: jjoseph@creativity-law.com

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LEWIS F. GOULD, JR.
DIRECT DIAL: 215.979.1282
PERSONAL FAX: 215.689.2410
E-MAIL: lfgould@duanemorris.com

www.duanemorris.com

April 1, 2009

Via Email slocke@creativity-law.com
Via Regular Mail

Scott D. Locke, Esquire
Kalow & Springut LLP
488 Madison Avenue
New York, New York 10022

**Re: System and Method for Confirming Specification of Intended
Electronic Mail Message Recipients
Serial No. 09/894,966
Your Reference: Sorotz 0002-US
Our Reference No.: T1929**

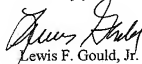
Dear Mr. Locke:

Thank you for your letter of March 31, 2009, concerning the above-identified matter.

We have reviewed our records, and find no file pertaining to the above-identified matter, or any other matter for Mr. Sorotzkin.

Please let me know if we can provide additional information.

Sincerely yours,



Lewis F. Gould, Jr.

LFG/fs

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Last Name	Cherdak
First Name	Erik
Middle Name	B
Suffix	
Firm Name	Burns & Levinson LLP
Address	1700 K Street, NW Suite 720
City	Washington
State/Province	DC
Postal Code	20006
Country	US
Primary Telephone	(202) 776-7812
Registration Number	39936
Attorney/Agent	ATTORNEY
Date Registered as Attorney	02/14/1996

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Last Modified: 08/11/2009 EST

BURNS & LEVINSON LLP

Jerry Cohen, Partner
Direct Dial: 617-345-3276
jcohen@burnslev.com

125 SUMMER STREET BOSTON, MA 02110
T 617-345-3000 F 617-345-3299
BURNSLEV.COM

April 13, 2009

Via Email & U.S. mail

Scott D. Locke, Esq.
Kalow & Springut LLP
488 Madison Avenue
401 Edgewater Place, Suite 260
New York, NY 10022

Re: U.S. Utility Patent Application Serial No.: 09/894,966
Filed: June 28, 2001
Abandoned: March 10, 2006
Title: SYSTEM AND METHOD FOR CONFIRMING SPECIFICATION
OF INTENDED ELECTRONIC MAIL MESSAGE REPIENTS
Your Ref: Sorotz 0002-US

Dear Mr. Locke:

This is in response to your letter of April 6, 2009 regarding the above-referenced matter and Erik Cherdak, Esq.

Erik B. Cherdak was an attorney of this firm from July 31, 2006 to March 1, 2007. Based on a review of the records at the USPTO, The above application became abandoned on March 10, 2006 before Mr. Cherdak's employment with us. Mr. Cherdak's former firm, Arent Fox, is listed as the attorneys of record to this day in the USPTO database. The application was filed by Erik B. Cherdak and Associates, LLC, and the Notice of Allowance and Issue Fee was mailed first to Erik B. Cherdak and Associates, LLC, then to Mr. Cherdak's attention at Arent Fox.

Our Docketing Specialist, Jeannette Collymore stated to your Docketing Manager, Joanna Joseph, on April 6, 2009, and the week prior, that we have no record of this case in our docketing system. I also confirm that we do not have any files of the above case.

In the course of checking our response to your inquiry, we pulled an informal file history from the USPTO website and I enclose it here.

Scott D. Locke, Esq.
April 13, 2009
Page Two

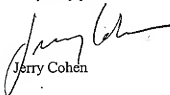
BURNS & LEVINSON LLP

The last known home address we have for Mr. Cherdak is:

149 Thurgood Street
North Potomac, MD 20878

If we can be of further help, please do not hesitate to contact us.

Very truly yours,



Jerry Cohen

JC/jyc
Enclosure

01342536

KALOW & SPRINGUT LLP
ATTORNEYS AT LAW

488 MADISON AVENUE • NEW YORK, NY 10022
212 813-1600 • FAX 212 813-9600 • INFO@CREATIVITY-LAW.COM

Scott D. Locke
slocke@creativity-law.com

April 22, 2009

Via U.S. mail

Erik B. Cherdak, Esq.
149 Thurgood Street
Gaithersburg, MD 20878

Re: Title: System and method for confirming specification of intended
electronic mail message recipients
U.S. Patent Application Serial Number: 09/894,966
Inventor: Michael Sorotzkin
Our Ref.: Sorotz 0002-US

Dear Mr. Cherdak:

We represent Michael Sorotzkin in connection with the above-referenced matter, which you previously prosecuted on his behalf. At this time we ask that you transfer all files related to this matter to our office. We also ask for all documents related to any family member patent applications. If you do not have any documents in your possession we ask that you confirm this fact and let us know where the documents are located.

We appreciate your prompt attention to this matter.

Sincerely,


Scott D. Locke
SDL/jj

cc: Michael Sorotzkin (via e-mail)

198449.1